



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2534

DATE SCANNED 11-14-12

SCANNER NO. 2

SCAN OPERATOR Inu

12092681485



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2012 JUL 20 AM 10:27

July 20, 2012

MEMORANDUM

**SENSITIVE**

TO: The Commission

THROUGH: Alec Palmer *for AC*  
Staff Director

FROM: Patricia C. Orrock *PC*  
Chief Compliance Officer

Debbie Chacona *DC*  
Assistant Staff Director  
Reports Analysis Division

BY: *W*odi Winship/Sari Pickerall  
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2012 12 Day Pre-Primary  
Report (Virginia)

Attached is the name of a political committee and its treasurer who failed to timely file the 2012 12 Day Pre-Primary Report for the Virginia Primary Election in accordance with 2 U.S.C. § 434(a). The 12 Day Pre-Primary Report was due on May 31, 2012 and the Primary Election was held on June 12, 2012.

The committee listed on the attached RTB Circulation Report failed to file the election sensitive report by the required due date. Election sensitive reports filed more than four days prior to the election are considered late. In accordance with the schedule of civil money penalties for reports at 11 CFR § 111.43, this committee should be assessed the civil money penalty highlighted on the attached circulation report.

**Recommendation**

1. Find reason to believe that the political committee and its treasurer listed on the RTB Circulation Report violated 2 U.S.C. § 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
2. Send the appropriate letter.

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7/20/2012 10:12 AM

Federal Election Commission  
Reason to Believe Circulation Report  
2012 PRE-PRIMARY Election Sensitive 05/31/2012 AUTH (VA)

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2534	C00499582	KAREN KWIATKOWSKI FOR CONGRESS	KWIATKOWSKI, KAREN U	GREGORY ALAN KWIATKOWSKI	\$168,337	0	6/7/2012	7	\$47,457	\$505

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 )  
Reason To Believe Recommendation - 2012 )  
12 Day Pre-Primary Report (Virginia): )  
KAREN KWIATKOWSKI FOR ) AF# 2534  
CONGRESS, and KWIATKOWSKI, )  
GREGORY ALAN as treasurer; )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on July 23, 2012 the Commission took the following actions on the Reason To Believe Recommendation - 2012 12 Day Pre-Primary Report (Virginia) as recommended in the Reports Analysis Division's Memorandum dated July 20, 2012, on the following committees:

AF#2534 Decided by a vote of 6-0 to: (1) find reason to believe that KAREN KWIATKOWSKI FOR CONGRESS, and KWIATKOWSKI, GREGORY ALAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

July 24, 2012  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

July 24, 2012

Gregory Alan Kwiatkowski, in official capacity as Treasurer  
Karen Kwiatkowski for Congress  
1785 Deerhead Road  
Mount Jackson, VA 22842

C00499582  
AF#: 2534

Dear Mr. Kwiatkowski:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a 12 Day Pre-Primary Report of Receipts and Disbursements in any calendar year during which there is a regularly scheduled election for which the candidate is seeking election, or nomination for election. This report, covering the period through May 23, 2012, shall be filed no later than May 31, 2012. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on June 7, 2012, seven (7) days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On July 23, 2012, the FEC found that there is reason to believe ("RTB") that Karen Kwiatkowski for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before May 31, 2012. Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$505. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$505 is due within forty (40) days of the finding, or by September 1, 2012, and is based on these factors:

Election Sensitivity of Report: Election Sensitive  
Level of Activity: \$47,457  
Number of Days Late: 7  
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

**1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

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NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or September 1, 2012. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

## **2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge**

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Karen Kwiatkowski for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

**3. If You Choose to Pay the Civil Money Penalty**

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 CFR § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Caroline C. Hunter  
Chair

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**ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS**

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$505 for the 2012 Pre-Primary Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission  
P.O. Box 979058  
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox  
FEC #979058  
1005 Convention Plaza  
Attn: Government Lockbox, SL-MO-C2GL  
St. Louis, MO 63101

The remittance and your payment are due by September 1, 2012. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

**PAYMENTS BY PERSONAL CHECK**

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

**PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT**

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FOR: Karen Kwiatkowski for Congress

FEC ID#: C00499582

AF#: 2534

PAYMENT DUE DATE: September 1, 2012

PAYMENT AMOUNT DUE: \$505

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31 JUL '12 RCVD  
**FEC OFFICE OF  
ADMIN REVIEW**

1785 Deerhead Road  
Mt Jackson, VA 22842  
July 25, 2012

FEC Office of Administrative Review  
999 E Street, NW  
Washington, DC 20463  
SUBJ: Challenge to Fee Assessment CO499582; AF 2534

Dear FEC,

We, Karen Kwiatkowski for Congress, CO488582, are challenging the fee assessment declared of your July 24 letter (AF2534). For the duration of the campaign, we have diligently responded to and complied with FEC regulations and requirements. In this case, the pre-primary report was submitted late. We are challenging the fee assessment (or perhaps more accurately, asking that it be waived) based on the difficulties we had in getting this particular report uploaded. This should fall under the acceptable grounds of circumstances beyond our control, relating to FEC software and technical impediments.

In the case of this particular report, while compiling the report was done within the time frame required, the FEC software refused to accept this report. Repeated phone calls over several days failed to gain success. It turns out the reason the report could not be uploaded was a pre-coded entry provided by the FEC software - (with no instruction on how or even if it could be changed by the user was provided). The entry in question had to do with the end date of the report - FEC software had in fact shown the wrong end date for my particular report (Virginia GOP primary of June 12). It took several phone calls and several different people at the FEC Tech Analysis center to figure out why this system was not working - and finally it took experimentation with dates until the right one for my report was input - and then the report was submitted.

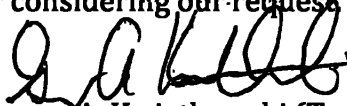
There has been no intent to unnecessarily delay the reporting. We acknowledge that we have had a steep learning curve as first time candidates running a low budget grassroots campaign, and we have greatly appreciated the assistance of the FEC and their professional experts throughout the process.

We believe that the FEC software had a glitch in the case of the Virginia pre-primary date - and the record of our phone calls to the FEC to get this resolved are on record. We are certainly not professionals, and have struggled with many aspects of FEC reporting requirements; but we have always met the requirements without reservation or purpose of evasion. We respectfully request that the civil forfeiture declared against us be waived. Thank you for considering our request.



Karen U. Kwiatkowski

(candidate)



Gregory A. Kwiatkowski (Treasurer)

12092681493



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Via First Class Mail

July 31, 2012

Gregory Alan Kwiatkowski, in official capacity as Treasurer  
Karen Kwiatkowski for Congress  
1785 Deerhead Road  
Mount Jackson, VA 22842

C00499582  
AF#: 2534

Dear Mr. Kwiatkowski:

On July 31, 2012, the Commission received your written response ("challenge") which is being reviewed by the Office of Administrative Review. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown". The signature is fluid and cursive.

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

12092681494

**Date:** July 31, 2012

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW  
CHALLENGE RECEIVED**

**AF#: 2534**

**Committee Name:** Karen Kwiatkowski for Congress

**Committee ID#:** C00499582

**Committee Address (if different than in RTB letter):** N/A

**Treasurer Name (if different than in RTB finding):** N/A

**Attachments:**

**Copy of RTB Circulation Report, dated July 20, 2012 and RTB Certification, dated July 24, 2012 (Y/N): Y**

**Attachment #: 1**

**Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y**

**Attachment #: 2**

**Other Relevant Telecoms (Y/N): N**

**Attachment #: N/A**

**Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N**

**Attachment #: N/A**

**RAD Staff Declaration (Y/N): Y**

**-2012 Pre-Primary Report Prior Notice, dated May 7, 2012.**

**-Non-Filer Letter, dated June 1, 2012.**

**-RTB Letter, dated July 24, 2012.**

**Attachment #: 4**

**Other RAD Information: (Y/N): N**

**Attachment#: N/A**

12092681495

## DECLARATION OF JODI WINSHIP

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Karen Kwiatkowski for Congress:
  - A) Prior Notice, dated May 7, 2012, referencing the 2012 Pre-Primary Report (sent via electronic mail to: karen@karenforcongress.com);
  - B) Non-Filer Letter, dated June 1, 2012, referencing the 2012 Pre-Primary Report;
  - C) Reason-to-Believe Letter, dated July 24, 2012 referencing the 2012 12 Day Pre-Primary Report.
3. I hereby certify that I have searched the Commission's public records and find that Karen Kwiatkowski for Congress filed the 2012 Pre-Primary Report with the Commission on June 7, 2012.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 31<sup>st</sup> day of July, 2012.



Jodi Winship  
Chief, Compliance Branch  
Reports Analysis Division  
Federal Election Commission



# PRIMARY ELECTION REPORT NOTICE

FEDERAL ELECTION COMMISSION

VIRGINIA

May 7, 2012

## POLITICAL COMMITTEES INVOLVED IN THE PRIMARY (06/12/12):

REPORT	REPORTING PERIOD <sup>1</sup>	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Pre-Primary	04/01/12 - 05/23/12	05/28/12 <sup>2</sup>	05/31/12
48-Hour Notices	05/24/12 - 06/09/12	-- VA primary candidates only -- see filing info --	
July Quarterly	05/24/12 - 06/30/12	07/15/12	07/15/12 <sup>3</sup>

## WHO MUST FILE

The following committees must file the Virginia Pre-Primary Report:

- **Principal campaign committees** of congressional candidates (including unopposed candidates and candidates whose names do not appear on the ballot) who seek election in the primary election must file the above reports and notices.
- **PACs and party committees** filing on a quarterly basis in 2012 are subject to pre-election reporting if they make previously undisclosed contributions or expenditures (including independent expenditures) in connection with an election by the close of books of the applicable report(s).

Supplemental Filing Information is available:

- **Congressional Committees**
- **Parties and PACs**

**Additional information for Virginia Campaign Committees -- click here**

<sup>1</sup> These dates indicate the beginning and end of the reporting period. A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

<sup>2</sup> Notice that the registered/certified & overnight mailing deadline falls on a weekend or federal holiday. The report should be postmarked before that date.

<sup>3</sup> Notice that this filing deadline falls on a weekend or federal holiday. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than registered, certified or overnight mail, or electronically, must be received before the Commission's (or the Secretary of the Senate's) close of business on the last business day before the deadline.

## 2012 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

Principal campaign committees of congressional candidates <sup>1</sup> (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2012. <sup>2</sup>

Campaigns that raise or spend more than \$5,000 for the 2012 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2012, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 83-86 [PDF]

#### Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 82 [PDF]

<sup>1</sup> Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a). See also 11 CFR 104.5(a).

<sup>2</sup> If a candidate has more than one authorized committee, the principal campaign committee files a consolidated report on Form 3Z [PDF]. See 11 CFR 104.3(f).

## PRE- AND POST-ELECTION REPORTS

The principal campaign committee of any candidate participating in a 2012 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The principal campaign committee of a candidate who participates in the general election must file pre- and post-general election reports. See 11 CFR 104.5(a)(2).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates
- The Record:
  - FEC Record Blog: Reporting
  - January 2012 issue [PDF]
- Candidate Guide, pp. 81-82 [PDF]

## COMPLIANCE

### Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, pp. 7-9 [PDF]

### Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).<sup>3</sup> See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 82-83 [PDF]

## IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.<sup>4</sup> This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

<sup>3</sup> Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

<sup>4</sup> Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

## 2012 REPORTING SCHEDULE

- Web Page: [2012 Reporting Dates Page](#)
- The Record:
  - [FEC Record Blog: Reporting](#)
  - [January 2012 issue](#) [PDF]
- [Candidate Guide, p. 83](#) [PDF]

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file [FEC Form 3L](#) [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,700 during the applicable reporting period (see [page 1 of this notice](#)). See 11 CFR 104.22 and 110.17(f).

- The Record: [March 2009 issue](#) [PDF]
- [Candidate Guide, Appendix F, pp. 155-161](#) [PDF]

## SUPPLEMENTAL FILING INFORMATION VIRGINIA CAMPAIGN COMMITTEES ONLY

### 48 HOUR NOTICES ON CONTRIBUTIONS

The principal campaign committee must file notices if any authorized committees receive any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period of May 24 through June 9, 2012.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically MUST submit their 48-hour notices electronically. See 11 CFR 104.5(f).

- Web Page: [Link to Paper Forms](#) (for downloading and printing)
- Web Page: [Link to Web Form 6](#) (for online submission)
- Form 6 Fax numbers
  - Senate campaigns (Secretary of the Senate): (202) 224-1851
  - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: [Candidate, p. 81](#) [PDF].

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FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



## 2012 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

**PLEASE NOTE:** The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

### WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2012. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

### METHODS OF FILING REPORTS

#### Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e). See also 11 CFR 104.18 and 100.19.

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

#### Paper Filing -- Meeting the Filing Deadline

Paper report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e). See also 11 CFR 100.19.

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

### CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

### 2012 REPORTING SCHEDULE

- Web Page: 2012 Reporting Dates Page
- The Record:
  - FEC Record Blog: Reporting
  - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

## PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2012 Congressional Pre-Primary Reporting Dates Page
- The Record:
  - FEC Record Blog: Reporting
  - January 2012 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

## COMPLIANCE

### Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

### Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.43(b). See generally, 11 CFR Part 111 Subpart B. See also 11 CFR 111.43.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

## DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registant PACs that aggregate in excess of \$16,700 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 11 CFR 110.17(f).

- The Record: March 2009 issue [PDF]

## 48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2012 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure.

See 11 CFR 104.4(b)(2) and (c). See generally, 11 CFR 104.4.

- Web Page: State-by-state chart of 2012 48- and 24-hour periods for independent expenditures
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

---

**FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100**



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20543

June 1, 2012

RQ-7

KWIATKOWSKI, GREGORY ALAN, TREASURER  
KAREN KWIATKOWSKI FOR CONGRESS  
PO BOX 156  
PORT REPUBLIC, VA 24471

IDENTIFICATION NUMBER: C00499582

REFERENCE: PRE-PRIMARY REPORT 4/1/2012 - 5/23/2012

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

YOU WILL BE ALLOWED UNTIL 5:00 PM EST ON THE FOURTH (4<sup>th</sup>) BUSINESS DAY FROM THE DATE OF THIS NOTICE TO FILE THIS REPORT TO AVOID PUBLICATION. IF YOU HAVE ALREADY FILED THE REPORT BY EXPRESS, CERTIFIED OR REGISTERED MAIL OR ARE PLANNING TO FILE IT WITHIN FOUR (4) BUSINESS DAYS FROM THE DATE OF THIS NOTICE, PLEASE NOTIFY US IMMEDIATELY OF THE CERTIFIED, REGISTERED OR EXPRESS TRACKING NUMBER AND THE DATE THAT THE REPORT WAS SENT.

THE REPORT MUST BE FILED WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20543 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 77578, WASHINGTON, DC 20013-7578), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES.

IN ADDITION, THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR OTHER LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITONIE IN THE REPORTS ANALYSIS DIVISION ON OUR TOLL FREE NUMBER (800) 424-9530. OUR LOCAL NUMBER IS (202) 694-1130.

SINCERELY,

*Debbie Chacona*

DEBBIE CHACONA  
ASSISTANT STAFF DIRECTOR  
REPORTS ANALYSIS DIVISION (RAD)

1120303041503



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
SECRETARIAT

2012 AUG 24 AM 11: 04

**SENSITIVE**

August 24, 2012

**MEMORANDUM**

To: The Commission

Through: Alec Palmer *AP*  
Staff Director

From: Patricia Carmona *PC* for PO  
Chief Compliance Officer

Dayna C. Brown *DCB*  
Reviewing Officer  
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2534 – Karen Kwiatkowski for Congress and Gregory Alan Kwiatkowski, in his official capacity as Treasurer, (C00499582)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment

12092681504



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

August 24, 2012

**REVIEWING OFFICER RECOMMENDATION  
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2534 – Karen Kwiatkowski for Congress and Gregory Alan Kwiatkowski, in his official capacity as Treasurer (C00499582)

**Summary of Recommendation**

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$505 civil money penalty.

**Reason-to-Believe Background**

On July 23, 2012, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 12 Day Pre-Primary Report and made a preliminary determination that the civil money penalty was \$505, based on the schedule of penalties at 11 C.F.R. § 111.43. A letter, dated July 24, 2012, was mailed to the respondents' address of record by the Reports Analysis Division ("RAD") to notify them of the Commission's RTB finding and civil money penalty.

**Legal Requirements**

The Federal Election Campaign Act requires that 12 day pre-election reports be filed by the treasurer of a principal campaign committee no later than the 12th day before any election in which the candidate is seeking election, or nomination for election. 2 U.S.C. § 434(a)(2)(A)(i) and 11 C.F.R. § 104.5(a)(2)(i). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on the prescribed filing date to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5 (e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

**Respondents' Challenge**

On July 31, 2012, the Commission received the written response ("challenge"), signed by both the Candidate and Treasurer, citing circumstances beyond their control related to FEC software and technical impediments. The challenge states that the report was compiled timely, however, a FEC software glitch with the ending coverage date of the Virginia Pre-Primary Report would not permit the report to be accepted. The challenge further states that the ending coverage date, pre-coded by the FEC software, was incorrect and no instruction was provided on how to change it. It took several calls and people to figure out why the system was not working, and they ultimately had to experiment with dates until the correct date was input and the report was submitted.

The Candidate and Treasurer state that they have struggled with aspects of the reporting requirements, but always met them, and respectfully request that the penalty be waived.

## Analysis

The 2012 Virginia 12 Day Pre-Primary Report was due on May 31. The respondents were notified of the due date and the report's April 1 through May 23 coverage dates before the filing deadline. On May 7, the Commission sent the Report Notice for the 12 Day Pre-Primary Report to karen@karenforcongress.com, the email address listed on their Statement of Organization. On June 1, the day after the report was due, the Commission sent a non-filer notice to the respondents at their address of record. Also on June 1, the Electronic Filing Office ("EFO") sent a non-filer email notification to hapkins@shentel.net, the email address provided by the Committee, alerting the respondents that they did not file the 12 Day Pre-Primary Report.

Commission records indicate that the respondents first called the Commission for assistance with filing the report on June 7, seven days after it was due. According to the EFO, the Candidate called stating that when attempting to file the report, she received the error message, "NULL." The Commission's Information Technology Division ("ITD") Manager explains that when a filer receives this error message, it is an indication that the filer's network is preventing s/he from connecting to the Commission, often due to a firewall. Given this, the EFO assisted the Candidate with changing her filing method to one accepted by most network administrators. Once this was completed, the Candidate again attempted to file the report and while she was now successful in connecting to the Commission, she received an error message advising her that the report had incorrect coverage dates.

Although the challenge contends that the incorrect ending coverage date was a "pre-coded entry provided by the FEC software," the ITD Manager explains that the Commission's FECFile software does not populate the beginning and ending coverage date fields for the 12 Day Pre-Primary Report. Instead, the user must manually enter both dates. According to copies of the emails sent to the respondents detailing the errors, provided by the ITD Manager, the respondents twice attempted to file the report with an incorrect ending coverage date on June 7. In the first attempt, they provided an ending coverage date of May 25, and in the second, May 31. Following these two attempts, the EFO staff person transferred the Candidate to her Reports Analyst who confirmed the correct coverage dates for the report. The report was successfully filed later that day.

While the respondents challenge on the grounds that there were circumstances beyond their control related to the Commission's FECFile software not accepting their report, the ITD Manager confirms that there is no evidence of any problem with the FECFile software that would have prevented the respondents from filing the 12 Day Pre-Primary Report. The respondents' report was not accepted due to their having input the incorrect ending coverage date. Additionally, although the respondents contend that the report was compiled timely, Commission records indicate that they did not attempt to file or call the Commission for assistance with filing until seven days after the report was due. Upon calling for assistance, the respondents were able to successfully file the report that same day.

Negligence, inexperience of the Treasurer or other staff (e.g. the Candidate), and committee computer failures are included at 11 C.F.R. § 111.35(d) as examples of circumstances that are not considered reasonably unforeseen and beyond the respondents' control. 11 C.F.R. § 111.35(d). Their challenge fails to meet any of the three valid grounds at

11 C.F.R § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The Reviewing Officer, therefore, recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$505.

#### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2534 involving Karen Kwiatkowski for Congress and Gregory Alan Kwiatkowski, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2534 that Karen Kwiatkowski for Congress and Gregory Alan Kwiatkowski, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$505; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

#### **Attachments**

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

**DECLARATION OF DAYNA C. BROWN**

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2012 12 Day Pre-Primary Report is due May 31, 2012. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on May 31, 2012 to be timely filed.
3. It is the practice of the Authorized Branch in the Commission's Report Analysis Division to document all calls to or from committees regarding a letter they received or any questions relating to the administrative fine regulations including due dates of reports and filing requirements.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of:
  - a) Page 1 of the amended Statement of Organization filed by Karen Kwiatkowski for Congress and Gregory Alan Kwiatkowski, in his official capacity as Treasurer. According to the Commission's records, the Statement was received January 17, 2012 and lists "karen@karenforcongress.com" as the Committee's email address;
  - b) Page 1 of the Summary page for the 2012 12 Day Pre-Primary Report electronically filed by Karen Kwiatkowski for Congress and Gregory Alan Kwiatkowski, in his official capacity as Treasurer. According to the Commission's records, the report was received on June 7, 2012 and covers the period from April 1 through May 23, 2012.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 24 of August, 2012.



Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review  
Federal Election Commission

12092681508



**FEC  
FORM 1****STATEMENT OF  
ORGANIZATION**

Office Use Only

1. NAME OF COMMITTEE (in full) (Check if name is changed) Example: If typing, type over the lines. 12FE4M5

**KAREN KWIATKOWSKI FOR CONGRESS**

ADDRESS (number and street) PO BOX 156

(Check if address is changed) PORT REPUBLIC VA 24471

CITY STATE ZIP CODE

COMMITTEE'S E-MAIL ADDRESS (Please provide only one e-mail address)

X (Check if address is changed)

karen@karenforcongress.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

(Check if address is changed)

www.karenforcongress.com

2. DATE 01 17 2012

3. FEC IDENTIFICATION NUMBER C C00499582

4. IS THIS STATEMENT X NEW (N) OR AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Gregory Alan Kwiatkowski

Signature of Treasurer Gregory Alan Kwiatkowski [Electronically Filed] Date 01 17 2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

Office  
Use  
Only

For further information contact:  
Federal Election Commission  
Toll Free 800-424-9530  
Local 202-694-1100

**FEC FORM 1**  
(Revised 02/2009)

12082681509

**FEC  
FORM 3****REPORT OF RECEIPTS  
AND DISBURSEMENTS**  
For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) TYPE OR PRINT ▼ Example: If typing, type over the lines. 12FE4M5

KAREN KWIATKOWSKI FOR CONGRESS

ADDRESS (number and street) ▼

2 South Main Street

Suite 408

Check if different  
than previously  
reported. (ACC)

Harrisonburg

VA

22802

2. FEC IDENTIFICATION NUMBER ▼

C C00499582

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

3. IS THIS REPORT X NEW (N) OR AMENDED (A)

VA

06

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

X Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

06

12

2012

in the  
State of

VA

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

06

12

2012

in the  
State of

VA

5. Covering Period

04

01

2012

through

05

23

2012

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer Gregory Alan Kwiatkowski

Signature of Treasurer

Gregory Alan Kwiatkowski

[Electronically Filed]

Date

06

07

2012

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office  
Use  
Only**FEC FORM 3**  
(Revised 02/2003)



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

August 27, 2012

Gregory Alan Kwiatkowski, in official capacity as Treasurer  
Karen Kwiatkowski for Congress  
1785 Deerhead Road  
Mount Jackson, VA 22842

C00499582  
AF# 2534

Dear Mr. Kwiatkowski:

On July 23, 2012, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Gregory Alan Kwiatkowski and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2012 12 Day Pre-Primary Report. The Commission also made a preliminary determination that the civil money penalty was \$505 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown  
Reviewing Officer  
Office of Administrative Review

Attachment  
cc: Karen Kwiatkowski, Candidate

12092681511



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 4, 2012

**MEMORANDUM**

To: The Commission

Through: Alec Palmer  
Staff Director

From: Patricia C. Orrock  
Chief Compliance Officer

Dayna C. Brown *DOB*  
Reviewing Officer  
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2534 – Karen Kwiatkowski  
for Congress and Gregory Alan Kwiatkowski, in his official capacity as  
Treasurer (C00499582)

On July 23, 2012, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2012 12 Day Pre-Primary Report and also made a preliminary determination that the civil money penalty was \$505 based on the schedule of penalties at 11 C.F.R. § 111.43.

On July 31, 2012, the Commission received the respondents' written response ("challenge"). After reviewing the challenge, the Reviewing Officer's recommendation dated August 24, 2012 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$505 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

On September 13, 2012, the Commission's lockbox received the respondents' \$505 payment.

12092681512

### **OAR Recommendations**

- (1) Adopt the Reviewing Officer recommendation for AF# 2534 involving Karen Kwiatkowski for Congress and Gregory Alan Kwiatkowski, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2534 that Karen Kwiatkowski for Congress and Gregory Alan Kwiatkowski, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$505; and
- (3) Send the appropriate letter.

12092681513

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
)  
Final Determination Recommendation – ) AF 2534  
Karen Kwiatkowski for Congress and )  
Gregory Alan Kwiatkowski, in his )  
official capacity as Treasurer )  
(C00499582) )

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on October 17, 2012, the Commission decided by a vote of 6-0 to take the following actions in AF 2534:

1. Adopt the Reviewing Officer recommendation for AF# 2534 involving Karen Kwiatkowski for Congress and Gregory Alan Kwiatkowski, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2534 that Karen Kwiatkowski for Congress and Gregory Alan Kwiatkowski, in his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$505.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

October 18, 2012  
Date

Shawn Woodhead Werth  
Shawn Woodhead Werth  
Secretary and Clerk of the Commission

12092681514



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

October 19, 2012

VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Gregory Alan Kwiatkowski, in his official capacity as Treasurer  
Karen Kwiatkowski for Congress  
1785 Deerhead Road  
Mount Jackson, VA 22842

C00499582  
AF# 2534

Dear Mr. Kwiatkowski:

On July 23, 2012, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Karen Kwiatkowski for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2012 12 Day Pre-Primary Report. By letter dated July 24, 2012, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$505 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On July 31, 2012, the Office of Administrative Review received your written response, challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and the written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Karen Kwiatkowski for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$505 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on August 27, 2012.

On September 13, 2012, the Commission received your \$505 payment.

On October 17, 2012, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Karen Kwiatkowski for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$505. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination recommendation is attached.

12092581515

12092681516

**If You Choose to Appeal the Final Determination and/or Civil Money Penalty**

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,



Caroline C. Hunter  
Chair

Attachment



12092681517

FOR: Karen Kwiatkowski for Congress

FEC ID#: C00499582

AF#: 2534

PAYMENT DUE DATE: September 1, 2012

PAYMENT AMOUNT DUE: \$505

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058  
SEQ# 001 \$ 000050500 BA# 1 09-13-12 20 9



us bancorp.

KAREN KWIATKOWSKI FOR CONGRESS		441	505
DATE		9/1/2012	
PAY TO THE ORDER OF		Federal Election Commission	\$505.00
Five hundred and no/100 dollars			DOLLARS
Payee's Account Number		2534	
Payee's Name		K. Kwiatkowski	
Payee's Address			



FEDERAL ELECTION COMMISSION  
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2534

DATE SCANNED 11-14-12

SCANNER NO. 2

SCAN OPERATOR LMH

12092681518